

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DALONTE D. FOARD,

Plaintiff,

vs.

TODD BAHENSKY, Director; D. WINKLER,
Correction Officer; HOBBS, Correction
Officer; and BEAVERNESS, Correction
Officer;

Defendants.

8:23CV217

MEMORANDUM AND ORDER

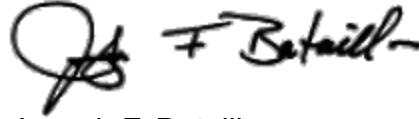
This matter is before the Court on Plaintiff's correspondence dated March 1, 2024, which the Court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). [Filing No. 21](#). [Rule 41\(a\)](#) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, [Rule 41\(a\)\(2\)](#) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the Court to dismiss this action and Defendants have not been served with process. Upon consideration,

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for dismissal of this action, [Filing No. 21](#), is granted. Accordingly, this matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 7th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "JF Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Judge